

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DEAN GONZALEZ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-11-1479-F
	)	
JUSTIN JONES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Dean Gonzalez brings this civil rights complaint against the Lawton Correctional Facility (LCF) defendants, who are: Warden Chester, Security Warden Whitten, Health Administrator Stouffer, Health Administrator Pitts, and Grievance Coordinator Johns. In addition to these LCF defendants, plaintiff also names the Oklahoma Department of Corrections Director Justin Jones in his individual and official capacities.

1.

Magistrate Judge Suzanne Mitchell entered a Report and Recommendation on March 28, 2013. March Report and Recommendation at doc. no. 45; motion to dismiss at doc. no. 27.

The March Report and Recommendation recommends that defendant Jones' motion to dismiss be granted, that plaintiff's official capacity claims against defendant Jones be dismissed with prejudice, and that the individual capacity claims against defendant Jones be dismissed on the basis of qualified immunity. The March Report and Recommendation further advised the parties of their right to object to the Report and Recommendation by April 18, 2013. The Report and Recommendation also

advised that failure to make timely objection waives the right to appellate review of both factual and legal questions contained in the Report and Recommendation.

No objection has been filed to the March Report and Recommendation, and no request for an extension has been submitted.

Having reviewed the March Report and Recommendation, and with there being no objection, the court finds that it agrees with the recommendations of the magistrate judge and that no purpose would be served by any further analysis here.

The Report and Recommendation of March 28, 2013, at doc. no. 45, is **ACCEPTED, ADOPTED** and **AFFIRMED**. The motion to dismiss of defendant Justin Jones is **GRANTED**, plaintiff's official capacity claims against defendant Jones are **DISMISSED** with prejudice, and plaintiff's individual capacity claims against defendant Jones are **DISMISSED** on the basis of qualified immunity.

2.

The Report and Recommendation of Magistrate Judge Mitchell entered April 26, 2013, addresses the LCF defendants' motion for summary judgment. April Report and Recommendation at doc. no. 48, LCF defendants' motion for summary judgment at doc. no. 40.

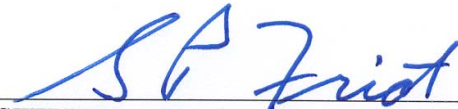
In her April Report and Recommendation, Magistrate Judge Mitchell recommends that the LCF defendants' motion for summary judgment be granted by reason of plaintiff's failure to exhaust his administrative remedies prior to filing his lawsuit. The April Report and Recommendation further advises the parties of their right to object to the Report and Recommendation by May 16, 2013. The April Report and Recommendation also advises that failure to make timely objection waives the right to appellate review of both factual and legal questions contained in the Report and Recommendation.

No objection has been filed to the April Report and Recommendation, and no request for an extension has been submitted.

Having reviewed the April Report and Recommendation, and with there being no objection, the court finds that it agrees with the recommendations of the magistrate judge and that no purpose would be served by any further analysis here.

The Report and Recommendation of April 26, 2013, at doc. no. 48, is **ACCEPTED, ADOPTED** and **AFFIRMED**. The motion for summary judgment of the Lawton Correctional Facility Defendants is **GRANTED**.

Dated this 31<sup>st</sup> day of May, 2013.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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